

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 9321-2023 (O&M)

Date of Decision: 27.02.2023

Ravinder alias Yogender

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. C. S. Rana, Advocate and
Mr. Vikrant Pujara, Advocate
for the petitioner.

Mr. Bhupender Singhy, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 59 dated 29.07.2019, under Sections 379-B and 34 IPC and later on added Sections 392, 397, 307, 379-B, 120-B IPC and Sections 25, 54, 59 of Arms Act registered at Police Station Industrial Sector 29, District Panipat.

Learned counsel for the petitioner contends that the petitioner is again in custody since 31.01.2023. He submits that the petitioner was arrested in the present FIR earlier too on 01.09.2019 and was released by the trial Court on bail on 17.04.2020 in the aforesaid FIR and he was facing the trial except on one date i.e. 17.11.2022 due to medical reasons, he could not appear before the trial Court which resulted into cancellation of his bail and surety bonds, which were forfeited to the state and his non-

bailable warrants were issued. Thereafter the petitioner surrendered himself on 31.01.2023 before the Court below and he is in custody since then. It is averred that the absence of the petitioner on 17.11.2022 was never intentional or willful rather it was due to his medical condition. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offence alleged against the petitioner is serious in nature.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 31.01.2023.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the only reason for taking the petitioner into custody is that on one date he remained absent and his bail bonds were cancelled and the trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;*
- 2. he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. he shall not indulge in any criminal activity;*
- 4. he shall not leave India without prior permission of the Court.*

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

27.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No